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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

J.R., a minor, by and through his guardian ad litem, Janelle McCammack; M.B., a minor, by and through his guardian ad litem, F.B.; I.G., a minor, by and through his guardian ad litem, M.E., on behalf of themselves and all those similarly situated.

Plaintiffs.

V.

OXNARD SCHOOL DISTRICT; CESAR MORALES, Superintendent of Oxnard School District, in his official capacity; ERNEST MORRISON, President of the Board of Trustees, in his official capacity; DEBRA CORDES, Clerk of the Board of Trustees, in his official capacity; DENIS O'LEARY, Trustee of the Board of Trustees, in his official capacity; VERONICA ROBLES-SOLIS, Trustee of the Board of Trustees, in his official capacity; MONICA MADRIGAL LOPEZ, Trustee of the Board of Trustees, in his official capacity; and DOES 1 TO 10, inclusive, Defendants.

Case No.: 2:17-cv-04304-JAK-FFM

**DECLARATION OF APRIL E.
NAVARRO IN SUPPORT OF
RESPONDENTS' NOTICE OF
WITHDRAWAL AND EX PARTE
APPLICATION TO SEAL DOCKET
NUMBER 184-4 AND FOR LEAVE
TO FILE CORRECTED AND
UNDER SEAL EXHIBITS "A"
THROUGH "F" TO THE
DECLARATION OF LAWRENCE
JOE IN THE APPEAL BY I.G.**

[Filed concurrently with Ex Parte Application; [PROPOSED] Order]

DECLARATION OF APRIL E. NAVARRO

I, April E. Navarro, declare as follows:

1. I am an attorney authorized to practice before this Court. I am an attorney at the law firm Garcia Hernandez Sawhney, LLP, attorneys of record in this matter for Defendant Oxnard School District (“the District”). I have personal knowledge of the facts set forth herein and, if called upon as a witness, I could and would testify competently thereto to under oath.

2. I submit this Declaration in support of Respondents' Notice of Withdrawal and Ex Parte Application to Seal Docket Number 184-4 and for Leave to File Corrected and Under Seal Exhibits "A" Through "F" to the Declaration of Lawrence Joe in the Appeal by I.G.

3. On December 17, 2018, the District filed on behalf of Respondents Exhibits “A” through “F” (Dkt. 184-4) to the Declaration of Lawrence Joe (Dkt. 184-3) in Support of Respondents’ Brief to the Appeal of I.G. (Dkt. 184). The evidence was simultaneously transmitted to counsel for Appellant I.G. via electronic means. The original filing of the exhibits was timely for its consideration in the individual administrative appeal by I.G., scheduled for hearing on Monday, February 4, 2019.

4. The parties previously stipulated to supplement the administrative record on appeal (Dkt. 147) and, by order of the Court (Dkt. 198), the parties were permitted to “supplement the record in connection with Plaintiffs’ individual appeals with additional documents.” The subject evidence is the only evidence submitted to augment the appellate record and at no time prior to the filing of this application has Appellant I.G. lodged any objection to the exhibits. The District would suffer irreparable harm if it were not allowed to refile the evidence is necessary to defend against I.G.’s individual administrative appeal and Respondents have relied on the exhibits in the Respondents’ Brief and plan to do so at hearing.

5. Exhibits “A” through “F” consist of five of I.G.’s Individual Education Plans (“IEPs”) and one Cognitive Behavior Assessment Report for I.G. The exhibits identify Appellant I.G., a minor, by his first and last name and date of birth, and other personally identifying information such as his parents’ names. The exhibits were inadvertently filed on the public docket partially unredacted, displaying Student’s first name, through the mistake, inadvertence, or excusable neglect by me and staff from my office. **Good Cause** exists to seal the exhibits because they contain sensitive information about Student’s disability, diagnoses, and related special education services and/or supports, which is subject to privacy protections, and public disclosure of this information could harm I.G.

6. On January 29, 2019, I contacted Counsel for Appellant I.G., Shawna L. Parks, Melissa Riess, Stuart Seaborn, and Janeen Steel, via email to inform them that Respondents would seek to seal the Exhibits to the Declaration of Lawrence Joe because they were filed without redactions and refile a corrected version of the documents. As of the date of this filing, counsel have not responded to my email or indicated whether they oppose this application. Attached hereto as **Exhibit A** is a true a correct copy of my email to counsel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 1st day of February, 2019, in Glendale, California.

____ /s/April E. Navarro
April E. Navarro

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on February 1, 2019, I caused a true and correct copy of the foregoing **DECLARATION OF APRIL E. NAVARRO IN SUPPORT OF RESPONDENTS' NOTICE OF WITHDRAWAL AND EX PARTE APPLICATION TO SEAL DOCKET NUMBER 184-4 AND FOR LEAVE TO FILE CORRECTED AND UNDER SEAL EXHIBITS "A" THROUGH "F" TO THE DECLARATION OF LAWRENCE JOE IN THE APPEAL BY I.G.** to be electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to counsel for all parties.

Dated: February 1, 2019

By: /s/ *April E. Navarro*